

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SERGEY GRISHIN,
Plaintiff,

v.

JENNIFER SULKESS,
Defendant.

CV 18-10179 DSF (AGR_x)

Order to Show Cause re
Dismissal for Lack of Subject
Matter Jurisdiction

Plaintiff's complaint alleges federal question and diversity jurisdiction. However, it is not clear that this Court has subject matter jurisdiction on either basis.

Plaintiff's federal question is based on his copyright infringement claim. But Plaintiff does not sufficiently plead a copyright infringement claim because Plaintiff alleges he has not yet received copyright registration for the alleged protected work. In general, a copyright infringement suit may not be commenced until the Copyright Office registers a copyright. Fourth Estate Pub. Benefit Corp. v. Wall-Street.com, LLC, 139 S. Ct. 881, 887–88 (2019). Plaintiff does not allege any exceptions to that general rule. Because Plaintiff does not sufficiently raise a federal question, the Court may not consider Plaintiff's state law claims on the basis of supplemental jurisdiction.

Plaintiff also has not adequately alleged diversity of citizenship. The complaint alleges that Defendant is a citizen of

the United States domiciled in California and that Plaintiff is a citizen of Russia. But the complaint does not allege that Plaintiff is not a permanent resident of the United States. The briefing on the Anti-SLAPP motion indicates that Plaintiff may be a permanent resident of the United States domiciled in California.¹ Diversity of citizenship is not met when one party is a citizen of a state and the other party is admitted to the United States for permanent residence and domiciled in the same state. 28 U.S.C. § 1332(a)(2).

Plaintiff is therefore ordered to demonstrate that this Court has subject matter jurisdiction, by submitting a statement under penalty of perjury that he has received registrations for the alleged copyrighted materials, and that he is not a permanent resident domiciled in California.² Plaintiff's response must be filed no later than May 20, 2019. Failure to respond will result in dismissal.

IT IS SO ORDERED.

Date: May 13, 2019



Dale S. Fischer
United States District Judge

¹ The Court does not, at this stage, accept the statements on Wikipedia as true. They nevertheless cause the Court concern about whether it has subject matter jurisdiction.

² The Court may, of course, have jurisdiction over some claims but not others.